

## ARTICLE 37-03

### DRIVER'S LICENSING AND FINANCIAL RESPONSIBILITY

Chapter	
37-03-01	General Requirements of Licensing
37-03-02	Inimical Operators
37-03-03	Suspension, Revocation, and Restoration of Driver's Licenses
37-03-04	Types of Operator's Licenses, Qualifications
37-03-05	Financial Responsibility

#### CHAPTER 37-03-01 GENERAL REQUIREMENTS OF LICENSING

Section	
37-03-01-01	Definitions
37-03-01-02	Disclosure of Mental or Medical Information
37-03-01-03	Proof of Birth [Repealed]
37-03-01-04	Licensee to Report Physical Impairment
37-03-01-05	Operators Not to Be Licensed - Exceptions and Requirements

**37-03-01-01. Definitions.** The terms herein shall have the meaning as provided in North Dakota Century Code chapters 39-01 and 39-16, with the latter chapter controlling in cases of conflict, except:

1. "Appropriate licensed addiction treatment program" means any hospital or facility for the treatment of alcoholism or drug-dependent persons or a mental health or retardation service as approved by the director.
2. "Approved course" means any defensive driving course approved by the national safety council and any driving while intoxicated counterattack program approved by the director.
3. "Director" means the commissioner's duly appointed and acting director of the driver's license division of the department of transportation, or the director's duly authorized agent, or licensing authority as that term is used in North Dakota Century Code chapter 39-06, 39-06.1, or 39-06.2.
4. "Good cause to believe" or "sufficient evidence" means any information received by the director in writing from:
  - a. Federal, state, or local authorities;
  - b. Licensed physicians;
  - c. Any official as to admissions or adjudication of a traffic offense;
  - d. Any court as to a conviction of a traffic offense;

- e. Any state or private hospital;
  - f. Any facility for the treatment of alcoholics and drug-dependent persons approved by the state department of health;
  - g. Any facility licensed as an addiction hospital by the state department of health;
  - h. Any mental health and retardation service unit;
  - i. Any federal or state court which indicates that a person may be physically or mentally unable to safely operate a motor vehicle on the highways of the state of North Dakota;
  - j. Any person who has relevant information in regard to the ability of an applicant for a license, a licensee, or permittee to safely operate a motor vehicle; or
  - k. Any person on an application for an operator's license, instructional permit, or renewal thereof.
5. "Licensee" means any person who holds a valid operator's license, under the laws of this state.
  6. "Policy of insurance" means a motor vehicle liability policy in the amount of twenty-five thousand dollars for bodily injury to or death of one person in any one accident, and subject to said limit for one person, in the amount of fifty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and in the amount of twenty-five thousand dollars because of injury to or destruction of property of others in any one accident.
  7. "Security" means a cash bond not to exceed twenty-five thousand dollars.
  8. "Security requirements" means evidence of proof of compliance by the driver of filing security, obtaining a policy of insurance or a bond as required by North Dakota Century Code chapter 39-16 or 39-16.1.
  9. "Underlying suspension" when used in a statute relating to driver's license sanctions means the basic or essential fact or occurrence upon which a suspension has been or may be ordered. Whenever a suspension has two or more concurrent causes, one of which is for an

alcohol-related offense or occurrence, the alcohol-related suspension is the underlying suspension.

**History:** Effective January 1, 1979; amended effective July 1, 1983; May 1, 1994; January 1, 2006.

**General Authority:** NDCC 28-32-02

**Law Implemented:** NDCC 39-06, 39-06.1, 39-16-02, 39-16-05

**37-03-01-02. Disclosure of mental or medical information.** The director shall include, as a part of the application for an original operator's license or any renewal thereof or an instruction permit, questions as to the existence of medical or mental conditions which may impair the ability of the person to operate a motor vehicle safely. If the answers to such questions indicate the existence of any medical or mental disability which the director believes may inhibit or prohibit the safe operation of a motor vehicle by such person, the director may require an examination of such person by a licensed physician as a prerequisite to the issuance of an operator's license or instructional permit. Such examination or examinations shall be completed on a form furnished by the director. The expense of such examination shall be borne by the person whose fitness to operate a motor vehicle safely is in question.

**History:** Effective January 1, 1979; amended effective May 1, 1994.

**General Authority:** NDCC 28-32-02

**Law Implemented:** NDCC 39-06-03, 39-06-07, 39-06-17

**37-03-01-03. Proof of birth.** Repealed effective January 1, 2006.

**37-03-01-04. Licensee to report physical impairment.** Any licensee who suffers permanent loss of use of a hand, arm, foot, leg, or eye shall make a report thereof to the director before operating any motor vehicle on the highways in this state. Except as provided in North Dakota Century Code section 39-08-21, the driver of a commercial class A, B, or C motor vehicle shall comply with the federal motor carrier regulations, pursuant to 49 CFR section 391.41 paragraphs (a), and (b)(1) and (b)(2). The director may require an examination pursuant to the provisions of section 37-03-01-05.

**History:** Effective January 1, 1979; amended effective May 1, 1994.

**General Authority:** NDCC 28-32-02

**Law Implemented:** NDCC 39-06-14(4)

**37-03-01-05. Operators not to be licensed - Exceptions and requirements.**

1. The privilege of holding a motor vehicle operator's license shall be denied to any person who has experienced convulsions, seizures, blackouts or fainting spells due to a cardiovascular condition, epilepsy, or by metabolic diseases, including diabetes mellitus, in which loss of consciousness occurred. The denial shall occur at the time of application, pursuant to North Dakota Century Code section 39-06-03,

or through license suspension, pursuant to North Dakota Century Code sections 39-06-24, 39-06-32, and 39-06-34.

2. A person who has experienced the episodes described in subsection 1 may be issued a restricted operator's license or permit pursuant to North Dakota Century Code sections 39-06-06 and 39-06-17, if:
  - a. The person has been free of the episodes for at least three consecutive months and submits a statement to that effect to the director; and
  - b. The person submits to the director a written certification from the person's treating physician indicating that:
    - (1) The condition causing the episodes is adequately controlled;
    - (2) The person has been free of episodes for at least three months; and
    - (3) Operation of a motor vehicle by the person will not be inimical to public safety or welfare.

Every permit or license issued under this subsection may be periodically reviewed by the director until the person has been free of episodes for at least six months.

3. A person who has been free of the episodes described in subsection 1 for at least six consecutive months will be granted an operator's license if:
  - a. The person submits a statement to the director indicating that the person has been free of episodes for at least six consecutive months; and
  - b. The person submits to the director a written certification from the person's treating physician indicating that, based upon an examination of the person, the items required in paragraphs 1 and 3 of subdivision b of subsection 2 have been met by the person, the person has been free of episodes for at least six consecutive months, and that the physician is of the opinion that the person is able and willing to cooperate in the treatment of the conditions causing the episodes.
4. Any person issued an operator's license or permit pursuant to subsection 2 or 3 shall submit to the director a periodic reevaluation form available from the director. The reevaluation form shall be submitted to the director every twelve months, or more often if required by the director, after issuance of a license or permit under subsection 2 or 3. The form shall contain the information prescribed by the director,

and the person shall be required to furnish all information requested. The form shall include provision for the opinion of the person's treating physician that the person's condition continues to be controlled and that the operation of a motor vehicle by the person will not be inimical to public safety or welfare.

5. A person having had the episodes described in subsection 1 will not be required to submit further periodic reevaluation forms if the person:
  - a. Submits to the director a statement that the person has not taken any medication to control episodes for three consecutive years, and has had no episodes for three consecutive years; and
  - b. Submits to the director a written certification from the person's treating physician or physicians that, for three consecutive years, the person has not had any episodes. The total of the treatment periods, if more than one physician has treated the person, must equal three consecutive years without episodes.
6. A single episode of the type described in subsection 1 shall be treated as only an isolated occurrence if the opinion of the treating physician establishes that it was an isolated incident and not likely to recur. The director shall consider the opinion of the treating physician in determining whether, upon all the evidence, it is safe to permit or license the person for the operation of a motor vehicle without the three-month waiting period.
7. The director shall use the reports required to be filed under this section to make determinations on licensure. Episodes medically induced shall not be considered in determining whether to license a person under this section. When the records of the director show lack of compliance with the requirements of this section by any person, the director may suspend forthwith the license of that person pursuant to North Dakota Century Code sections 39-06-32 and 39-06-34.
8. Except as provided in North Dakota Century Code section 39-08-21, the driver of a commercial class A, B, or C motor vehicle shall comply with the federal motor carrier regulations in 49 CFR sections 391.41(a) and 391.41(b) paragraphs (3) through (9) and (11) through (13).

**History:** Effective January 1, 1979; amended effective July 1, 1981; May 1, 1994.

**General Authority:** NDCC 28-32-02

**Law Implemented:** NDCC 39-06-03, 39-06-34